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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,696	01/27/2004	Bengt Ivarsson	740073.448C2	2063
500	7590	09/08/2005		
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			EXAMINER MERLINO, AMANDA H	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Supplemental Notice of Allowability</b>	Application No.	Applicant(s)	
	10/766,696	IVARSSON, BENGT	
	Examiner	Art Unit	
	Amanda H. Merlino	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and terminal disclaimer filed 3/22/05.
2. ☒ The allowed claim(s) is/are 75-99.
3. ☒ The drawings filed on 27 January 2004 and 21 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

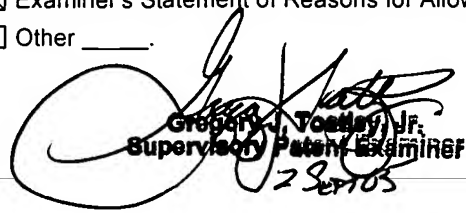
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---|---|

  
 Gregory J. Tooley, Jr.  
 Supervisory Patent Examiner  
 2877

### **Examiner's Comments**

In the parent case (09/368,461, now pat no. 6,493.097), it states " This application claims priority from co-pending PCT Application No. SE98/00196, filed February 3, 1998, which claims priority from Swedish Application No. 97003842, filed February 4, 1997, as provided for in 35 USC §120 and 35 USC §119 (a) through (d) in accordance with USC §365." *The PCT Application No. SE98/00196 should have been under continuing data under domestic priority 35 USC §120 not under foreign priority. The priority data is being corrected via examiner's amendment below.*

Examiner further notes that application 09/368,461, now pat no. 6,493.097 and application 10/244,819, now pat no 6,714,303 have the same problem. Applicant should submit a request for certificate of correction to move the PCT Application No. SE98/00196 from foreign priority to continuing data (domestic priority).

### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: on line 6 of page 1 of the specification, "claims priority from" has been replaced by -- is a continuation of --.

***Terminal Disclaimer***

The terminal disclaimer filed on 3/22/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,714,303 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Reasons for Allowance***

Claims 75-99 allowed.

As to claims 75-88, the prior of record, taken alone or in combination, fails to disclose or render obvious a method for determining interaction of at least one species with a plurality of individual zones of a sensing surface by repeatedly varying the incident angle and/or wavelength of the light and simultaneously measuring the intensities of light reflected from the sensing surface and the momentary incident angle and/or wavelength of the incident light to correlate each image to a specific incident angle and/or wavelength, in combination with the rest of the limitations of claim 75.

Art Unit: 2877

As to claims 89-99, the prior of record, taken alone or in combination, fails to disclose or render obvious an analytical system comprising means for repeatedly varying the incident angle and/or wavelength of the light and means for **synchronized** optical detection of images in the image plane and incident angle and/or wavelength of light illuminating the sensing surface, in combination with the rest of the limitations of claim 89.

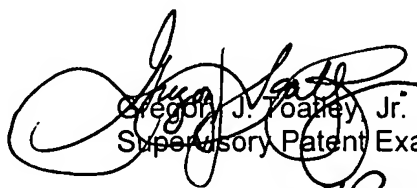
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda H. Merlino whose telephone number is 571-272-2421. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on 571-272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amanda H Merlino *ah*  
Patent Examiner  
Art Unit 2877  
September 2, 2005

  
Gregory J. Toatley, Jr.  
Supervisory Patent Examiner  
28 SEP '05